

# CITY OF LOCUST GROVE

## REGULAR MEETING AGENDA

MONDAY MAY 6, 2024 – 6:00 P.M.

PUBLIC SAFETY BUILDING – 3640 HIGHWAY 42 S.

LOCUST GROVE, GA 30248

**CALL TO ORDER** ..... Mayor Pro Tem Williams

**INVOCATION** ..... Community Development Director Dauté Gibbs

**PLEDGE OF ALLEGIANCE** ..... Councilman Boone

**APPROVAL OF THE AGENDA** ..... Mayor Pro Tem Williams (Motion Required)

**PRESENTATION** ..... 1 Item

- City of Suwanee redevelopment area

**PUBLIC HEARING ITEMS** ..... None

**APPROVAL OF THE MINUTES** ..... 4 Items

1. April 1, 2024, Regular Meeting Minutes (Motion Required)
2. April 1, 2024, Executive Meeting Minutes (Motion Required)
3. April 15, 2024, Workshop Meeting Minutes (Motion Required)
4. April 15, 2024, Executive Meeting Minutes (Motion Required)

**ACCEPTANCE OF THE FINANCIAL STATEMENT** ..... 2 Items

5. January 2024 – Financial Statement (Motion Required)
6. February 2024 - Financial Statement (Motion Required)

**UNFINISHED BUSINESS/ACTION ITEMS** ..... 4 Items

7. Ordinance to amend Title 5, Chapter 5.36.060 – Special Events (Motion Required)
8. Ordinance to amend Title 5, Chapter 5.40.020 – Portable Eating Establishments (Motion Required)
9. Ordinance to amend Title 5, Chapter 5.48.020 – Yard Sales (Motion Required)
10. Resolution to create a streetlight district in the Bridle Creek, Phase 2B subdivision (Motion Required)

**NEW BUSINESS/ACTION/DISCUSSION ITEM** ..... 3 Items

11. Special Event request for TNT Fireworks event for the sale of fireworks at Walmart (Motion Required)
12. Ordinance to approve the final plat for Bridle Creek, Phase 2B subdivision, located on Highway 42 South at Element Blvd. (Motion Required)
13. Approval of the Streambank Engineering and Design proposal from WSP (Motion Required)

**CITY MANAGER'S COMMENTS** ..... Tim Young

**PUBLIC COMMENTS** ..... Register with Clerk Before Meeting

**COUNCIL COMMENTS** ..... Council

**MAYOR'S COMMENTS** ..... Mayor Pro Tem Williams

**EXECUTIVE SESSION – (IF NEEDED)**

**ADJOURN**

**POSTED AT CITY HALL – May 1, 2024, at 5:00**

ADA Compliance: Individuals with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting, or the facilities are required to contact the City Clerk at (770) 957-5043 promptly to allow the City to make reasonable accommodations for those persons. Public Comment may be limited to no more than ten (10) minutes with up to 3 minutes per requesting applicant to speak. Please register your NAME and ADDRESS prior to the beginning of the meeting with the City Clerk.

**City of Locust Grove  
Council Meeting Minutes  
Public Safety Building – Courtroom Chamber  
3640 Highway 42 S. – Locust Grove, GA 30248  
Monday, April 1, 2024  
6:00 PM**

<b>Members Present:</b>	<b>Staff Present:</b>
Vincent Williams – Councilman/Pro Tem	Tim Young – City Manager
Keith Boone – Councilman	Bert Foster – Assistant City Manager
Carlos Greer – Councilman	Misty Spurling – City Clerk
Willie Taylor – Councilman	Daunté Gibbs – Community Development Director
Rudy Breedlove – Councilman	Jack Rose – Public Works Director
Rod Shearouse – Councilman	Derrick Austin - Police Chief
	Andy Welch – Attorney

Mayor Pro Tem Vincent Williams called the meeting to order at 6:00 PM

Invocation given by Assistant City Manager Bert Foster

Councilman Greer led the Pledge of Allegiance.

**APPROVAL OF AGENDA** –

Mayor Pro Tem Williams asked for a motion. Councilman Boone made the motion to amend the agenda to add item number thirteen (13).

RESULT	APPROVED ITEM THIRTEEN
MADE MOTION	COUNCILMAN BOONE
2 <sup>ND</sup> MOTION	COUNCILMAN SHEAROUSE
VOTE	MOTION CARRIED - ALL IN FAVOR

Mayor Pro Tem Williams asked for a motion. Councilman Boone made the motion to approve the agenda as amended.

RESULT	APPROVED AS AMENDED
MADE MOTION	COUNCILMAN BOONE
2 <sup>ND</sup> MOTION	COUNCILMAN SHEAROUSE
VOTE	MOTION CARRIED - ALL IN FAVOR

**PUBLIC HEARING ITEMS** – NONE

**APPROVAL OF THE MINUTES** –

**1. MARCH 4, 2024- REGULAR MEETING MINUTES** –

Pro Tem Williams asked for a motion. Councilman Taylor made the motion to approve the March 4, 2024, regular meeting minutes.

RESULT	APPROVED MARCH 4, 2024, REGULAR MEETING MINUTES
MADE MOTION	COUNCILMAN TAYLOR
2 <sup>ND</sup> MOTION	COUNCILMAN BOONE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**2. MARCH 4, 2024- EXECUTIVE SESSION MEETING MINUTES –**

Pro Tem Williams asked for a motion. Councilman Greer made the motion to approve the March 4, 2024, executive session meeting minutes.

RESULT	APPROVED MARCH 4, 2024, EXECUTIVE SESSION MEETING MINUTES
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**3. MARCH 18, 2024- WORKSHOP MEETING MINUTES –**

Pro Tem Williams asked for a motion. Councilman Taylor made the motion to approve the March 18, 2024, workshop meeting minutes.

RESULT	APPROVED MARCH 18, 2024, WORKSHOP MEETING MINUTES
MADE MOTION	COUNCILMAN TAYLOR
2 <sup>ND</sup> MOTION	COUNCILMAN GREER
FAVOR	MOTION CARRIED – ALL IN FAVOR

**ACCEPTANCE OF THE FINANCIAL STATEMENT –**

**4. DECEMBER 2023 – Financial Statement –**

Pro Tem Williams asked for a motion. Councilman Greer made the motion to approve the December 2023 financial statement.

RESULT	APPROVED DECEMBER 2023 FINANCIAL STATEMENT
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN TAYLOR
FAVOR	MOTION CARRIED – ALL IN FAVOR

**UNFINISHED BUSINESS/ACTION ITEMS –**

**5. Ordinance to reduce the side yard setback from 35 feet to 20 feet on a corner lot located at 4939 Bill Gardner Parkway and Barker Drive –**

Pro Tem Williams asked for a motion. Councilman Shearouse made the motion to approve the request by approving ordinance **#24-04-018.**

RESULT	APPROVED ORDINANCE #24-04-018
MADE MOTION	COUNCILMAN SHEAROUSE
2 <sup>ND</sup> MOTION	COUNCILMAN BOONE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**6. Ordinance to approve a rezoning from RA (residential agricultural) to OD (office institutional) for use as a medical office building –**

Daunté stepped forward and said staff recommends approval with conditions. Daunté said an additional condition (number two) was added after the last meeting and he read the condition aloud.

Pro Tem Williams asked for a motion. Councilman Breedlove made the motion to approve the request by approving ordinance #24-04-019.

RESULT	APPROVED ORDINANCE #24-04-019
MADE MOTION	COUNCILMAN BREEDLOVE
2 <sup>ND</sup> MOTION	COUNCILMAN GREER
FAVOR	MOTION CARRIED – ALL IN FAVOR

**7. Ordinance to revise Chapter 15.36 Post-development Stormwater Management for development and redevelopment –**

Pro Tem Williams asked for a motion. Councilman Shearouse made the motion to approve the request by approving ordinance #24-04-020.

RESULT	APPROVED ORDINANCE #24-04-020
MADE MOTION	COUNCILMAN SHEAROUSE
2 <sup>ND</sup> MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**8. Resolution to transmit an ordinance to amend Chapter 15.08 entitled “Technical Codes” to amend the plumbing code regarding certain regulations for fixtures and standards as part of the Metropolitan North Georgia Water Planning District requirements –**

Pro Tem Williams asked for a motion. Councilman Breedlove made the motion to approve the request by approving resolution #24-04-021.

RESULT	APPROVED RESOLUTION #24-04-021
MADE MOTION	COUNCILMAN BREEDLOVE
2 <sup>ND</sup> MOTION	COUNCILMAN SHEAROUSE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**9. Ordinance to approve the final plat for Oak Ridge Meadows subdivision, located on Locust Grove-Griffin Road –**

Pro Tem Williams asked for a motion. Councilman Shearouse made the motion to approve the request by approving ordinance #24-04-022.



RESULT	APPROVED ORDINANCE #24-04-022
MADE MOTION	COUNCILMAN SHEAROUSE
2 <sup>ND</sup> MOTION	COUNCILMAN TAYLOR
FAVOR	MOTION CARRIED – ALL IN FAVOR

**10. Resolution to award bid for services to upgrade the audio/visual system in the Council Chambers/Courtroom –**

Tim stepped forward and said we received two proposals (both essentially the same amounts) and determined the difference is related to the customer service fees. We would like to award the bid to S & L Integrated.

Councilman Breedlove asked if the customer service fee is a reoccurring amount. Tim said this is a three-year agreement and discussion took place.

Councilman Greer asked for clarity on the additional one-year warranty and Tim said this is basically the same as an extended warranty.

Councilman Shearouse asked if staff thoroughly reviewed this proposal and Tim said yes, he and staff thoroughly reviewed. Bert said this will also assist with Court sessions [in addition to the council meetings].

Councilman Boone asked what fund /account will be designated for paying for the cost. Tim said we will pay from Development Impact Fee account and building and grounds.

Pro Tem Williams asked for a motion. Councilman Breedlove made the motion to approve the request by approving resolution #24-04-023.

RESULT	APPROVED RESOLUTION #24-04-023
MADE MOTION	COUNCILMAN BREEDLOVE
2 <sup>ND</sup> MOTION	COUNCILMAN GREER
FAVOR	MOTION CARRIED – ALL IN FAVOR

**NEW BUSINESS/ACTION/DISCUSSION ITEMS -**

**11. Resolution to select new playground equipment to replace existing damaged equipment behind City Hall –**

Bert stepped forward and said this is a project originally initiated by Mayor Price for replacement of the playground at City Hall. The city will be responsible for the demo and removal of the old equipment.

Pro Tem Williams asked for a motion. Councilman Greer made the motion to approve the request by approving resolution #24-04-024.

RESULT	APPROVED RESOLUTION #24-04-024
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN TAYLOR
FAVOR	MOTION CARRIED – ALL IN FAVOR

**12. Resolution to accept the Wolf Creek Stream Assessment report from WSP –**

Pro Tem Williams asked for a motion. Councilman Greer made the motion to approve the request by approving resolution #24-04-025.

RESULT	APPROVED RESOLUTION #24-04-025
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN SHEAROUSE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**ADD ITEM –**

**13. Ordinance by the Locust Grove city council to call a special election to fill the vacancy in the office of Locust Grove Mayor –**

Andy stepped forward and said this is to fill the vacancy of the seat of the late Mayor Robert Price and reviewed the state law and charter language. State law controls the Charter, and Andy said there is not enough time to call for a special election, prepare the ballot and have time to qualify by the May 21 date. If we decide within 90 days, we will have to use our own equipment and pay the election superintendent to set it up. If we do 90-days or longer, we can set up with their same election cycle in November. Andy said the ordinance he provided specifies the suggested dates and times that are most feasible given the requirements. Discussion took place about the dates for qualifying [July 29, 30, and 31] for Mayor position and if needed, qualifying for city council [August 19, 20, and 21]. Andy said he and Misty reviewed all options and specified in the ordinance. If any of the city council members decide to run for mayor, council seat(s) would become vacant and would need a call for special elections and qualifying. This ordinance covers each scenario to allow the public maximum notice of fees, qualifying periods, and the election office maximum notice. The election superintendent has also asked if the city would consider one polling location as opposed to two separate locations and Andy said hopefully, we can reach an agreement within the next couple of years. Andy said a quorum is a requirement to operate the city and vote on items needed for action; therefore, would consist of Mayor Pro Tem and four members of the council. Andy advised that the council discuss with one another and to keep in mind that their political decision will have an impact on how the city conducts business.

Councilman Greer asked what the state law specifies about the number of days between the call of a special election and qualifying and Andy said 29-days. Greer said he understands it would be a time crunch, and asked if we could ask the election superintendent if they could accommodate us in May. Andy said his office and Misty reached out to the Henry County elections office and they directed their county attorney to give confirmation. If the council decides May 21, staff will be responsible for organizing and contracting with someone to hold the election. Andy said the elections office needs 60 days’ notice (for printing the ballots); however, if we do as part of the November general election, the law requires the election office to coordinate in its entirety. Greer asked what the procedure would be if the current Mayor Pro Tem could not attend meetings and Andy said the council needs to decide tonight whether to proceed with a May 21 election or with the regular election in November.

Councilman Breedlove said he is ready for a new normal and would like to proceed with the May 21 date versus waiting until November. Andy said this could be a potential trigger for multiple offices on this board and would not allow public the adequate time.

Councilman Boone asked what the stipulations are for appointing an additional Mayor Pro Tem as a [secondary]. Andy said there are no stipulations, the council can appoint a secondary for backup.

Shearouse said he would like to wait until November not only for the community to have time to respond, but also to maintain the appearance of the city.

Tim said there are multiple potential opportunities to have an error in this election process if we had to do it on our own in that short time span. He added that the longer period allows staff to properly inform upcoming applicants of any possible delays should a quorum issue occur. Discussion took place. Andy said the quorum limits our abilities if two councilmembers qualify for Mayor. The ordinance as written specifies the dates Misty and I talked about, which are the three days in July and allowing two weeks between for qualifying of the council [if needed]. Andy said a suggestion was made by a member of the public to change the qualifying dates for the mayor seat to after the first meeting in August [August 6, 7, and 8].

Councilman Boone made the motion to approve the ordinance as written.

Andy clarified this would be for the November 5, 2024, special election with the qualifying as discussed for Mayor [August 6, 7, and 8] and qualifying for the council seat(s), if needed [August 19, 20, and 21].

Councilman Boone made the motion to amend his original motion and made the motion to approve the ordinance with the dates as specified by Andy by approving resolution **#24-04-026**.

RESULT	APPROVED RESOLUTION #24-04-026
MADE MOTION	COUNCILMAN BOONE
2 <sup>ND</sup> MOTION	COUNCILMAN SHEAROUSE
FAVOR	MOTION CARRIED – THREE IN FAVOR (BOONE, SHEAROUSE, TAYLOR) AND TWO OPPOSED (BREEDLOVE, GREER)

**CITY MANAGER’S COMMENTS –**

Tim said the signage at Bill Gardner Parkway and I-75 is now installed. The next phase of ERP 10 training is coming up next week [for two weeks] for Utility Billing and Cashiering. We received a request from Larry Chapman of CRG to do something in honor of the mayor with suggestions of a bronze plaque in front of city hall or a bench. We are planning the official opening of the Veteran’s Memorial/Scatter Garden on Memorial Day. We have discussed doing the retreat in July at Brasstown Valley Resort on July 13-16 or July 14-17. We would reschedule the council meeting that would normally be on the 15<sup>th</sup>. The council agreed to the dates July 14-17 for the retreat. Tim said the governor signed the House Bill 1461 regarding annexations and will be on the ballot for November. We will have a special tent on Locust Grove Day for citizens who have questions about anything related to the city and residents will be able to pick up paperwork on the homestead exemption process. Nothing further.

**PUBLIC COMMENTS –**

Ms. Earlene Crump stepped forward to comment. Ms. Crump said she has been a resident of Locust Grove for three years and wanted to make it known to the public she is running for school board District 1. Nothing further.

**COUNCIL COMMENTS –**

Councilman Boone thanked everyone who helped with the mayor’s funeral and said all the staff came together to make it all possible.

Boone asked if HB 516 passed and Pro Tem Williams said it was approved with the one-mile range and the city is now within the range to run radar.

**MAYOR’S COMMENTS –**

Mayor Pro Tem Williams said thanks to everyone for the homegoing celebration to our mayor.

**EXECUTIVE SESSION – PROPERTY ACQUISITION**

Motion to go into executive session to discuss property acquisition matters by Councilman Greer and seconded by Councilman Breedlove. Motion Carried All in favor 7:25 PM.

At 7:47 PM, motion to come back into regular session made by Councilman Breedlove and seconded by Councilman Boone.

**REGULAR SESSION RECONVENED –**

Andy asked for a motion to approve the purchase agreement for the acquisition of property between the City of Locust Grove and Eagle’s Landing Pharmacy for the combined total of \$1,682,000.00.

Councilman Greer made the motion to approve the request for acquisition of property.

RESULT	APPROVED
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN BOONE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**ADJOURNMENT –**

Pro Tem Williams asked for a motion to adjourn. Councilman Greer made the motion to adjourn.

RESULT	APPROVED – ADJOURN MEETING
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN SHEAROUSE
FAVOR	MOTION CARRIED MEETING ADJOURNED @ 7:48 PM.

Notes taken by:

\_\_\_\_\_  
Misty Spurling  
City Clerk

**City of Locust Grove**  
**Council Workshop Meeting Minutes**  
**Public Safety Building – 3640 Highway 42 S.**  
**Locust Grove, GA 30248**  
**Monday, April 15, 2024**  
**6:00 PM**

<b>Members Present:</b>	<b>Staff Present:</b>
Vincent Williams -Councilman/Pro Tem	Tim Young – City Manager
Carlos Greer – Councilman	Bert Foster – Assistant City Manager
Keith Boone – Councilman	Misty Spurling – City Clerk
Rudy Breedlove - Councilman	Daunte’ Gibbs – Community Development Director
Willie Taylor – Councilman	Jack Rose – Public Works Director
Rod Shearouse – Councilman	Colleen Cook – Main Street Manager
	Derrick Austin – Police Chief
	Andy Welch – Attorney

Mayor Pro Tem Williams called the meeting to order at 6:00 PM.

Invocation given by Chief Derrick Austin

Councilman Taylor led the Pledge of Allegiance

**APPROVAL OF AGENDA** –

Mayor Pro Tem Williams asked for a motion. Councilman Greer made the motion to approve the agenda.

RESULT	APPROVED AGENDA
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN BOONE
VOTE	MOTION CARRIED - ALL IN FAVOR

**PUBLIC HEARING ITEMS** –

**1. Amendment to the City of Locust Grove Municipal Code Chapter 5.36 – Special Events –**

Daunte stepped forward to comment. Daunte said the council brought up concerns last September about special events and asked if staff would review and address the total number of special events allowed per calendar year. Currently the city allows 14 special events per calendar year. The proposed amendment is to reduce the allowed number to twelve per calendar year and one per month per applicant. In addition, an amendment to allow administrative review and approval of those events that are annual and non-controversial.

Mayor Pro Tem Williams said this is a public hearing and asked for comments from anyone in favor of the request and there were no comments.

Pro Tem Williams asked for comments from anyone opposed to the request and there were no comments and closed the public hearing.

Pro Tem Williams asked for comments from the council.

Councilman Greer asked how the Girl Scout events will be affected with the suggested amendment. Daunté said the Girl Scouts got permission from the property owner for their events and discussion took place about TNT fireworks events.

Andy said the amendment suggests one event per month and maximum twelve per calendar year. Daunté said this came up last year with a previous applicant. Andy said there were multiple points from the request last year that brought up concerns and Daunté is making suggestions based on the council's request. Tim said consideration also needs to include public space and private space events which may determine what is allowed at each event location.

Councilman Breedlove commented about the duration of the permit. Andy said the council can place brackets on it or a fee schedule to avoid abuse of the permit. The maximum number of days is 30 consecutive and operate two, 30-day maximum permits per year and charge per day to self-regulate the number of days that people want to get a permit. Daunté said the daily permit fee is [\$22.00] per day and a cap at maximum 30-days [for private property] and cap [public property] to one per month at \$150.00.

Councilman Greer asked if there have been issues in the past related to our discussion. Daunté said within the last five years there were none, only a protest that was held and he clarified not with the current ordinance. Greer has concerns with changing the requirements over one concern.

Daunté said in his opinion we have been implementing the current ordinance very well. This was only suggested based on concerns from the event request from The Artisan Market last year.

Councilman Boone said the concern was the length of time for the permit. Pro Tem Williams suggested a seven-day fee for \$150 and Tim said to also review restrictions between public versus private property. Andy said it is more reasonable to regulate public space. Breedlove said he would like to keep approval/denial for the council with approval from the staff. Daunté said he will revert to the original language. Nothing further.

## **2. Amendment to the City of Locust Grove Municipal Code Chapter 5.40 – Portable Eating Establishments –**

Daunté said this amendment specifies reviewing every six months versus every twelve months and Code Enforcement to check. This will require the individual to renew every six months with an inspection as well. We will also keep our database current.

Mayor Pro Tem Williams said this is a public hearing and asked for comments from anyone in favor of the request and there were no comments.

Pro Tem Williams asked for comments from anyone opposed to the request and there were no comments and closed the public hearing.

Pro Tem Williams asked for comments from the council.

Councilman Greer asked how many of these establishments are in the city now and Daunté said there are none.

Andy asked if there is a health code advantage to reviewing every six months. Daunté said health inspections are annual and our ordinance has criteria that specifies if in violation, the council can revoke the permit. Tim recommended removing the any other language except for food and beverages only. Nothing further.

### **3. Amendment to the City of Locust Grove Municipal Code Chapter 5.48 – Yard Sales –**

Daunté said this amendment suggests reducing the total number of yard sales permitted per calendar year from five to three for [two consecutive days].

Mayor Pro Tem Williams said this is a public hearing and asked for comments from anyone in favor of the request and there were no comments.

Pro Tem Williams asked for comments from anyone opposed to the request and there were no comments and closed the public hearing.

Pro Tem Williams asked for comments from the council.

Councilman Breedlove clarified the suggested amendment [from five days to three] and nothing further.

#### **OLD BUSINESS/ACTION ITEMS – NONE**

#### **NEW BUSINESS/ACTION ITEMS – NONE**

#### **CITY OPERATION REPORTS / WORKSHOP DISCUSSION ITEMS -**

##### **MAIN STREET OPERATIONS – COLLEEN COOK**

Ms. Cooks gave an update. It's Aught BBQ restaurant will open in June. The HPC is working on the Local Government status update. Locust Grove Day is April 20, 2024, with 125 vendors and 33 parade entries. The council has a table and tent that will have materials for the public regarding annexations and SPLOST. There will be a special presentation at 1:00 PM on the stage. Nothing further.

##### **PUBLIC SAFETY OPERATIONS – CHIEF AUSTIN**

Chief Austin reviewed the monthly report and gave an update total collected in March 2024 was \$93,783. The department completed 216 training hours in March. We had 42 new cases for investigation and cleared 18 of those cases. Chief Austin reviewed the crime analysis report provided and said a man was approached and struck by an individual in Patriots Point subdivision and still ongoing investigation. Ford F-series trucks are being stolen and those cases are still being investigated. The clerk office construction in the lobby of the Public Safety building will begin any day. Nothing further.

##### **PUBLIC WORKS – JACK ROSE**

Public Works Director Jack Rose said we are continuing with regular maintenance and working on the playground at City Hall. We are continuing with grass cutting and preparing for Locust Grove Day. We moved the gate where Price Drive was closed and please remember the family of Dana Daniel. He was a very hard worker and will be missed.

##### **ADMINISTRATION – BERT FOSTER**

Mr. Foster gave an update on ongoing projects, the extra lane on Highway 42 and the Bill Gardner Parkway modifications. We ordered bollards and fencing for the Veteran's Memorial. GDOT is still reviewing the plans for the downtown corridor study and GDOT agreed to reduce the speed to 50 miles per hour. Signs have been placed to notify us of the upcoming delays through the end of the month for the traffic signal at Bethlehem Road. The streetlights for the intersection at Indian Creek and Tanger have arrived and will be installed within two weeks. The equipment for the city hall playground is expected to arrive around May 1, 2024. Nothing further.

### **4. Resolution to create a streetlight district in Oak Ridge Meadows, Phase 1 subdivision -**

Mr. Foster said this would include 129 lots with 28 lights. The total would be \$31.34 per lot. Nothing further.

## **COMMUNITY DEVELOPMENT OPERATIONS – DAUNTÉ GIBBS**

Mr. Gibbs gave an update that his department has issued a total of 354 permits for 2024 and 43 new house permits. We have issued 58 COs [35 residential / 23 commercial] with 137 business licenses issued so far for 2024.

Councilman Boone asked for an update with Bowery Farms. Daunté said they have not continued thus far. Nothing further.

## **ARCHITECTURAL REVIEW BOARD (ARB) – NONE**

## **CITY MANAGER’S COMMENTS –TIM YOUNG**

Tim gave an update the quarterly budget amendments will be ready the first of next week. Tim mentioned joining the National League of Cities organization. Misty is working with the accountants this week in preparation for the audit. The Atlanta Business Chronicles industrial projects of the year have all been in Henry County for the past three years.

### **5. SPLOST VI update -**

Tim said we will have a public meeting coming up on May 20, 2024, and should have all Census Data in place to determine how SPLOST will be distributed. If agreed, Locust Grove will collect \$21 million dollars. The projects list is pending further discussion with Henry County and GDOT. Tim reviewed the capital projects on the list and other projects and said we are trying to allocate to infrastructure and not just transportation this time.

Councilman Breedlove asked if the county would agree to this split. Tim said the official discussion will start in June with the county. They haven’t had a Level I project, and Andy said we need to consider making another bond agreement for the election to speed up implementation of projects.

Councilman Greer asked if the sidewalks to link to Peeksville Road are part of this list. Tim said that will be part of CDBG and said we leveraged enough money to look at some wording of those projects for pedestrian linkages at Grove Road. Nothing further.

## **COUNCIL COMMENTS –**

Councilman Boone made a comment tomorrow would be the mayor’s 80<sup>th</sup> birthday.

## **MAYOR’S COMMENTS –**

Pro Tem Williams said keep the family of Dana Daniels in your prayers. Also, the Veteran’s Memorial is beautiful, come by and apply for a brick.

## **EXECUTIVE SESSION – PROPERTY ACQUISITION**

Motion to go into executive session to discuss property acquisition matters by Councilman Taylor and seconded by Councilman Greer Motion Carried All in favor 7:34 PM.

At 8:28 PM, motion to come back into regular session made by Councilman Breedlove and seconded by Councilman Shearouse.

## **RECONVENE TO REGULAR SESSION -**



Councilman Breedlove asked for a motion to amend the agenda to add the following three items.

RESULT	APPROVED ADD THREE ITEMS
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN SHEAROUSE
VOTE	MOTION CARRIED - ALL IN-FAVOR

**ADD ITEM –**

**1. Agreement - One and Two Vestige Properties, LLC**

Councilman Breedlove asked for a motion to approve agreement with One and Two Vestige Properties, LLC to purchase right-of-way and temporary construction easement in the amount of \$116, 500.00.

RESULT	APPROVED
MADE MOTION	COUNCILMAN BREEDLOVE
2 <sup>ND</sup> MOTION	COUNCILMAN GREER
VOTE	MOTION CARRIED - ALL IN-FAVOR.

**2. Temporary Construction Easement -**

Councilman Breedlove asked for a motion to approve an agreement with Sanidhya, LLC for acquisition of temporary construction easement of the sum of \$1.00.

RESULT	APPROVED
MADE MOTION	COUNCILMAN BREEDLOVE
2 <sup>ND</sup> MOTION	COUNCILMAN GREER
VOTE	MOTION CARRIED - ALL IN-FAVOR.

**3. Engagement Letter with Parker Poe to include fees and expenses dated March 28, 2024.**

Councilman Breedlove asked for a motion to approve the engagement letter with Parker Poe.

RESULT	APPROVED
MADE MOTION	COUNCILMAN BREEDLOVE
2 <sup>ND</sup> MOTION	COUNCILMAN GREER
VOTE	MOTION CARRIED - ALL IN-FAVOR.

**ADJOURNMENT-**

Pro Tem Williams asked for a motion to adjourn. Councilman Greer made the motion to adjourn.

RESULT	ADOPTED
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN BOONE
VOTE	MOTION CARRIED - ALL IN-FAVOR MEETING ADJOURNED @ 8:31PM.

Notes taken by:

\_\_\_\_\_  
Misty Spurling, City Clerk



## Community Development Department

P. O. Box 900  
Locust Grove, Georgia 30248  
Phone: (770) 957-5043  
Facsimile (770) 954-1223

# Item Coversheet

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**Item:** A City of Locust Grove initiated amendment to the City of Locust Grove Municipal Code Chapter 5.36 - Special Events.

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** March 27, 2024

**Budget Item:** No

**Date Received:** N/A

**Workshop Date:** April 15, 2024

**Regular Meeting Date:** May 06, 2024

### Discussion:

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The City of Locust Grove City Council directed staff to analyze the special event section of the city municipal code and initiate an amendment to address the total number of special events allowed per calendar year. In addition, an amendment to allow administrative review and approval of non-controversial special event applications shall also be provided to the City Council for consideration. Any special event applications, after being reviewed by the Community Development Director, that are deemed potentially controversial shall be presented to the City Council for their consideration to approve or deny.

### Recommendation:

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Staff recommends APPROVAL.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND TITLE 5, CHAPTER 5.36.060, SPECIAL EVENTS; ADDRESSING CONCERNS REGARDING THE TOTAL NUMBER OF SPECIAL EVENTS PER CALENDAR YEAR; TO ALLOW ADMINISTRATIVE REVIEW AND APPROVAL OF NON-CONTROVERSIAL SPECIAL EVENT APPLICATIONS; AND FOR OTHER PURPOSES**

**THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS**

**SECTION 1.** Title 5, Chapter 5.36.060 of the Code of Ordinances of the City of Locust Grove Georgia is hereby amended in its entirety and inserting in lieu thereof the following:

5.36.060 Special events—Permit—Application—Fee.

A. An application shall be submitted for review prior to the issuance of any special events permit. The application must be submitted to the Community Development Department at least thirty (30) days prior to the start of the special event. Upon completion of the review of the request, the community development director, or designee, shall refer only those applications deemed potentially controversial to the mayor and council for approval or denial. Otherwise, Special Event application approval or denial shall be completed administratively. Upon the approval of the application by the Community Development Director or designee, or the mayor and council, the Community Development Director or designee shall issue the special event permit. The special event permit must be present on the site of the special event for the duration of the special event.

1. The application for a special events permit shall include the following information:
  - a. Applicant's name, address, phone number, and email address.
  - b. Location of the special event.
  - c. Name and phone number of onsite contact who will be onsite for the duration of the special event.
  - d. Description of the nature of the special event.
  - e. Identify sponsors and/or merchants participating in the event.
  - f. Identify types of goods to be sold, additional permits may be required for portable eating establishments or for a transient dealer license.
  - g. Duration of the special event, including set up and take down.

- h. Description of music/entertainment.
- i. Written permission from the property owner.
- j. Legible copy of the applicant's driver's license.
- k. For special events involving parades, marches, running or cycling along public streets, a copy of the proposed route.

B. Special events that occur in the public right-of-way must adhere to the requirements below, in addition to those requirements listed in section 5.36.060(A).

1. Locations for donation collections in the public right-of-way shall be limited to the following areas:

- a. On the southbound off-ramp of Interstate 75 South at Bill Gardner Parkway.
- b. Within one hundred feet of the intersection of Bill Gardner Parkway and Market Place Boulevard.
- c. Within one hundred feet of the intersection of State Route 42 and Market Place Boulevard.
- d. Within one hundred feet of the intersection of Tanger Boulevard and Martin Luther King, Jr. Boulevard.

2. No one under the age of eighteen years of age shall participate in a special event in the public right-of-way without meeting the following adult supervision requirement:

- a. Any participants between ages of thirteen and seventeen shall require one adult for every four participants in that age group.
- b. Any participants between ages of ten and twelve shall require one adult for every two participants in that age group.
- c. Any participants under ten years of age shall require one adult for every one participant in that age group.

3. All participants in the special event occurring in the public right-of-way shall be required to wear high-visibility safety apparel for the duration of the special event.

C. At the time of filing the application, a fee of one hundred fifty dollars shall be paid to the community development director to cover the cost of investigating the facts stated in the application. The application fee may be waived in whole or in part by the mayor and council.

D. Approved Special Events located on public property shall be limited to twelve (12) special events per calendar year, not to exceed three (3) consecutive days per month. Special events located on public property shall be assessed the special event permit base fee of one hundred fifty dollars (\$150.00) for a one-day event up to \$250.00 for a 3-day special event. Those organizations having 501c3 non-profit status may be considered exempt from the special event permit fee if current 501c3 status documentation is provided to the Community Development Department. Special events in partnership with and sanctioned by a board or committee established by the City of Locust Grove (Events Committee, Downtown Development Authority/Main Street, Historic Preservation Commission) shall be exempt from the calendar year limitation of this section. Special events located on private property are also exempt from the calendar year limitation of this section but shall not exceed 60 days total per calendar year. Special events located on private property shall pay a daily permit fee calculated at the rate of fifty dollars (\$50.00) per day specified on the applicant's special event application filed with the City of Locust Grove Community Development Department.

E. The Community Development Director or their designee, and or the mayor and council may impose conditions of the approval of the special events permit including, but not limited to, required sanitation and clean-up measures, security measures or bond to guarantee performance of the condition(s).

**SECTION 2. Codification.** This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

**SECTION 3. Severability.**

A. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the City Council to be fully valid, enforceable, and constitutional.

B. It is hereby declared to be the intention of the City Council that, to the greatest extent allowed by law, every section, paragraph, sentence, clause, or phrase of this Ordinance is severable from every other Section, paragraph, sentence, clause, or phrase of this Ordinance. It is hereby further declared to be the intention of the City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other Section, paragraph, sentence, clause, or phrase of Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by

law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable and of full force and effect.

**SECTION 4. Repeal of Conflicting Provision.** Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 5. Effective Date.** This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Locust Grove.

**SO ORDAINED** this 6<sup>th</sup> day of May 2024.

\_\_\_\_\_  
Vincent Williams, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
Misty Spurling, City Clerk

(Seal)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

# Henry Herald

38 Sloan Street  
McDonough, Georgia 30253

Phone (770) 951-9161  
Fax (770) 339-5869

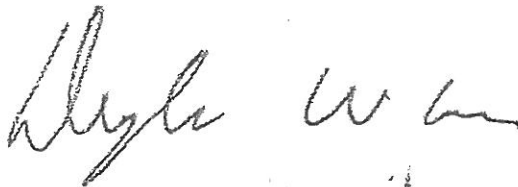
## PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA  
COUNTY OF HENRY

Personally appeared before the undersigned, a notary public within and for said county and state, Douglas W. Crow, Vice President of Operations, Times Journal Inc., which published the Henry Herald, Published at McDonough, County of Henry, State of Georgia, and being the official organ for the publication of legal advertisements for said county, who being duly sworn, states on oath that the report of

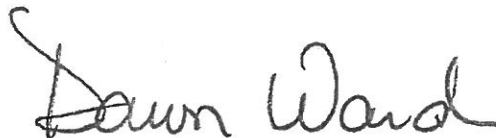
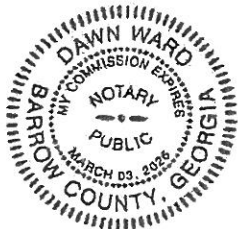
Ad No.: 400332

Name and File No.: PUBLIC HEARING 4/15/24  
a true copy of which is hereto attached, was published in  
said newspaper on the following date(s):  
03/27/2024



Douglas W. Crow, Vice President of Operations, Times Journal Inc.

Sworn and subscribed to before me 27th day of March, 2024



Ad text :  
Hdh3940  
gpn16

Public Hearing Notice  
City of Locust Grove  
April 15, 2024, 6:00 PM  
Locust Grove Public Safety Building  
3640 Highway 42 South  
Locust Grove, GA 30248

Notice is hereby given as required by Chapter 66 of Title 36 of the Official Code of Georgia Annotated (?Zoning Procedures Law?) and Section 17.04 of the Code of Ordinances, City of Locust Grove, Georgia, that the Locust Grove City Council, on Monday, April 15, 2024, at 6:00 PM, will conduct public hearings for the purpose of the following:

**ORDINANCE  
AMENDMENTS**

ORD-AM-24-02-02 A City of Locust Grove initiated amendment to the City of Locust Grove Municipal Code Chapter 5.36 - Special Events, to allow administrative review and approvals for special events deemed non-controversial and to modify the total number of special events allowed per calendar year.

ORD-AM-24-02-03 A City of Locust Grove initiated amendment to the City of Locust Grove Municipal Code Chapter 5.40 - Portable Eating Establishments, to provide clarification to the definition of portable eating establishments.

ORD-AM-24-02-04 A City of Locust Grove initiated amendment to the City of Locust Grove Municipal Code Chapter 5.48 - Yard Sales, reducing the total number of yard sales permitted per calendar year within the city limits of Locust Grove.

The public hearing will be held in the Locust Grove Public Safety Building, located at 3640 Highway 42 South.

Daunt? Gibbs  
Community Development Director - City of Locust Grove  
3:27, 2024





## Community Development Department

P. O. Box 900  
Locust Grove, Georgia 30248

Phone: (770) 957-5043  
Facsimile (770) 954-1223

## Item Coversheet

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**Item:** A City of Locust Grove initiated amendment to the City of Locust Grove Municipal Code Chapter 5.48 - Yard Sales.

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** March 27, 2024

**Budget Item:** No

**Date Received:** N/A

**Workshop Date:** April 15, 2024

**Regular Meeting Date:** May 06, 2024

### Discussion:

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The City of Locust Grove City Council directed staff to analyze the yard sale section of the city municipal code and initiate an amendment to the City of Locust Grove Municipal Code Chapter 5.48 - Yard Sales, reducing the total number of yard sales permitted per calendar year within the city limits of Locust Grove.

### Recommendation:

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Staff recommends APPROVAL.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND TITLE 5, CHAPTER 5.48.020, YARD SALES, REDUCING THE TOTAL NUMBER OF YARD SALES PERMITTED PER CALENDAR YEAR WITHIN THE CITY LIMITS OF LOCUST GROVE; AND FOR OTHER PURPOSES**

**THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS**

**SECTION 1.** Title 5, Chapter 5.48.020 of the Code of Ordinances of the City of Locust Grove Georgia is hereby amended in its entirety and inserting in lieu thereof the following:

**5.48.020 Permit required—License fee required when.**

- A. Any person conducting a yard sale, garage sale or other such sale, at their residence in the city, or participating in a yard sale, garage sale or other such sale in the city, shall obtain a permit from the clerk of the city prior to holding such sale. Said permit shall not exceed two consecutive days.
- B. Said resident is authorized to conduct three (3) sales per calendar year without payment of a fee. Additional sales shall be allowed during a calendar year and the person requesting permission to conduct such sale shall pay a license fee of twenty-five dollars per sale.
- C. No permits shall be issued to any person that is not a resident of the city.
- D. Any civic, church or nonprofit organization conducting a yard sale, garage sale or other such sale within the city shall obtain a permit from the clerk of the city prior to the holding of such sale.

**SECTION 2. Codification.** This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

**SECTION 3. Severability.**

A. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the City Council to be fully valid, enforceable, and constitutional.

B. It is hereby declared to be the intention of the City Council that, to the greatest extent allowed by law, each section, paragraph, sentence, clause, or phrase of this Ordinance is severable from every other Section, paragraph, sentence, clause, or phrase of this Ordinance. It is hereby further declared to be the intention of the City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other Section, paragraph, sentence, clause, or phrase of Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable and of full force and effect.

**SECTION 4. Repeal of Conflicting Provision.** Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 5. Effective Date.** This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Locust Grove.

**SO ORDAINED** this 6<sup>th</sup> day of May 2024.

\_\_\_\_\_  
Vincent Williams, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
Misty Spurling, City Clerk

(Seal)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

# Henry Herald

38 Sloan Street  
McDonough, Georgia 30253

Phone (770) 951-9161  
Fax (770) 339-5869

## PUBLISHER'S AFFIDAVIT

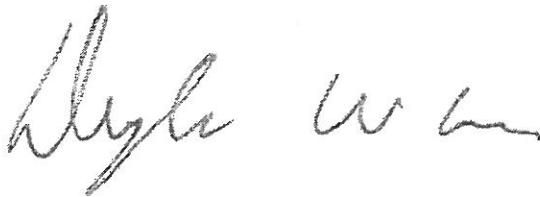
STATE OF GEORGIA  
COUNTY OF HENRY

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Ad No.: 400332

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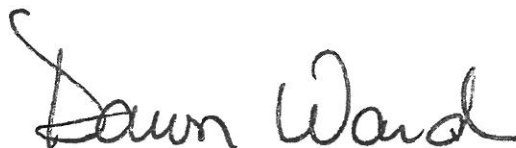
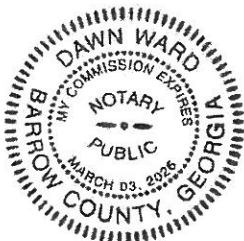
a true copy of which is hereto attached, was published in said newspaper on the following date(s):  
03/27/2024



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Douglas W. Crow, Vice President of Operations, Times Journal Inc.

Sworn and subscribed to before me 27th day of March, 2024



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Notary Public

Ad text :  
Hdh3940  
gpn16

Public Hearing Notice  
City of Locust Grove  
April 15, 2024, 6:00 PM  
Locust Grove Public Safety Building  
3640 Highway 42 South  
Locust Grove, GA 30248

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**ORDINANCE  
AMENDMENTS**

ORD-AM-24-02-02 A City of Locust Grove initiated amendment to the City of Locust Grove Municipal Code Chapter 5.36 - Special Events, to allow administrative review and approvals for special events deemed non-controversial and to modify the total number of special events allowed per calendar year.

ORD-AM-24-02-03 A City of Locust Grove initiated amendment to the City of Locust Grove Municipal Code Chapter 5.40 - Portable Eating Establishments, to provide clarification to the definition of portable eating establishments.

ORD-AM-24-02-04 A City of Locust Grove initiated amendment to the City of Locust Grove Municipal Code Chapter 5.48 - Yard Sales, reducing the total number of yard sales permitted per calendar year within the city limits of Locust Grove.

The public hearing will be held in the Locust Grove Public Safety Building, located at 3640 Highway 42 South.

Daunt? Gibbs  
Community Development Director - City of Locust Grove  
3:27, 2024



## Community Development Department

P. O. Box 900  
Locust Grove, Georgia 30248

Phone: (770) 957-5043  
Facsimile (770) 954-1223

## Item Coversheet

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**Item:** A City of Locust Grove initiated amendment to the City of Locust Grove Municipal Code Chapter 5.40 - Portable Eating Establishments.

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** March 27, 2024

**Budget Item:** No

**Date Received:** N/A

**Workshop Date:** April 15, 2024

**Regular Meeting Date:** May 06, 2024

### **Discussion:**

The City of Locust Grove City Council directed staff to analyze the portable eating establishment section of the city municipal code and initiate an amendment to the City of Locust Grove Municipal Code Chapter 5.40 - Portable Eating Establishments, to provide clarification to the definition of portable eating establishments.

### **Recommendation:**

Staff recommends APPROVAL.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND TITLE 5, CHAPTER 5.40.020, PORTABLE EATING ESTABLISHMENTS, TO PROVIDE CLARIFICATION TO THE DEFINITION OF PORTABLE EATING ESTABLISHMENTS; AND FOR OTHER PURPOSES**

**THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS**

**SECTION 1.** Title 5, Chapter 5.40.020 of the Code of Ordinances of the City of Locust Grove Georgia is hereby amended in its entirety and inserting in lieu thereof the following:

5.40.020 Definitions.

"Food, beverages, goods or merchandise" means and includes but shall not be limited to fruit, vegetables, farm products or provisions, dairy products, fish, game, poultry, meat, plants, flowers, artwork, cosmetics and beauty aides, health products, food of any kind whether or not for immediate consumption and confections.

"Motor vehicle" means any vehicle used for the displaying, storing, or transporting of articles for sale by a vendor which is required to be licensed and registered by the State Department of Motor Vehicles. The term is to include trailers, trucks and automobiles.

"Person or individual" means any person including any employee or agency of any group of individuals, partnerships, corporations.

"Portable eating establishment" means a temporary mobile structure capable of being relocated in its entirety, on wheels with axles or in any other manner and which does not sit upon a foundation designed for the establishment of a permanent structure, limited to occupational tax licensing that must be renewed every six (6) months.

"Public space" means and includes all city owned parks and city owned property within street rights-of-way.

"Public way" means all areas legally open to public use such as public streets, sidewalks, roadways, highways, parkways, alleys, parks, as well as the interior and areas surrounding public buildings.

"Push carts" means any wheeled vehicle designed for carrying property and for being pushed by a person without the assistance of a motor or motor vehicle.

"Sidewalk" means all areas legally open to the public used as a pedestrian public way between the curb line and the legal building line.



"Special event" means any occasion including, but not limited to fairs, shows, exhibitions, city-wide celebrations, festivals, etc., within a specifically defined area of the city for a period of time not to exceed five days.

"Stand" means any newsstand, table, bench, booth, rack, handcart, pushcart, portable eating establishments or any other fixture or device which is used for the display, storage, or transportation of articles offered for sale by a vendor.

"Street" means all that area legally open to the public used as public streets and sidewalks, roadways, highways, parkways.

"Vehicle" means every device in, upon, or by which a person or property may be transported or drawn upon a street or sidewalk, including, but not limited to, devices moved by human power.

"Vendor" means any person traveling by foot, wagon, motor vehicle, vehicle or any other type of conveyance from street to street conveying or transporting food, beverages, goods or merchandise and offering or exposing them for sale or making sales and delivering articles to the purchasers; or who, without traveling from place to place, exhibits, displays, sells or offers for sale such products from a wagon, handcart, pushcart, motor vehicle, vehicle, portable eating stand, conveyance or from his person while on the public ways of the city or other places. A "vendor" also includes any street vendor, hawker, huckster, itinerant merchant or transient vendor.

**SECTION 2. Codification.** This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

**SECTION 3. Severability.**

A. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the City Council to be fully valid, enforceable, and constitutional.

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unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable and of full force and effect.

**SECTION 4. Repeal of Conflicting Provision.** Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 5. Effective Date.** This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Locust Grove.

SO ORDAINED this 6<sup>th</sup> day of May 2024

\_\_\_\_\_  
Vincent Williams, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
Misty Spurling, City Clerk

(Seal)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

# Henry Herald

38 Sloan Street  
McDonough, Georgia 30253

Phone (770) 951-9161  
Fax (770) 339-5869

## PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA  
COUNTY OF HENRY

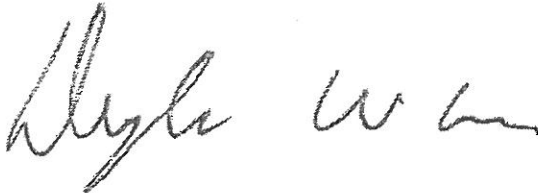
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Ad No.: 400332

Name and File No.: PUBLIC HEARING 4/15/24

a true copy of which is hereto attached, was published in said newspaper on the following date(s):

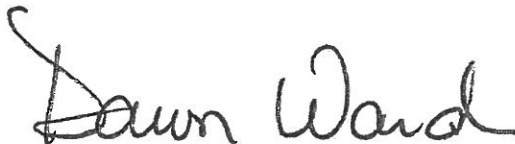
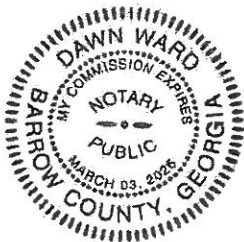
03/27/2024



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Douglas W. Crow, Vice President of Operations, Times Journal Inc.

Sworn and subscribed to before me 27th day of March, 2024



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Notary Public

Ad text :  
Hdh3940  
gpn16

Public Hearing Notice  
City of Locust Grove  
April 15, 2024, 6:00 PM  
Locust Grove Public Safety Building  
3640 Highway 42 South  
Locust Grove, GA 30248

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AMENDMENTS**

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ORD-AM-24-02-04 A City of Locust Grove initiated amendment to the City of Locust Grove Municipal Code Chapter 5.48 - Yard Sales, reducing the total number of yard sales permitted per calendar year within the city limits of Locust Grove.

The public hearing will be held in the Locust Grove Public Safety Building, located at 3640 Highway 42 South.

Daunt? Gibbs  
Community Development Director - City of Locust Grove  
3:27, 2024



## Community Development Department

P. O. Box 900  
Locust Grove, Georgia 30248  
Phone: (770) 957-5043  
Facsimile (770) 954-1223

# Item Coversheet

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**Item:** A special event permit request for TNT Fireworks from June 23, 2024, through July 04, 2024.

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** N/A

**Budget Item:** N/A

**Date Received:** April 12, 2024

**Workshop Date:** N/A

**Regular Meeting Date:** May 06, 2024

### Discussion:

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Staff received a request for a Special Event Permit from David Midgorden, for TNT Fireworks event to be held at Walmart for the sale of Georgia legal fireworks on June 23, 2024, through July 04, 2024.

- No Music and entertainment
- No food is to be sold without obtaining proper permits from the Health Dept.
- Event location(s)  
4949 Bill Gardner Pkwy, Locust Grove, GA 30248 (Walmart)
- The duration of the event (including set up and breakdown).

- **Sunday, June 23, 2024, from 10:00 a.m. until 10:00 p.m.**
- Contact information for the person who will be onsite during the event.
  - **David Midgorden– 470-891-1163**
- Which merchants will have booths at the event?
  - **Vendors for fire works**
- Permission from property owner?
  - **Yes**

**Comments:**

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N/A

**Recommendation:**

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Staff recommends **APPROVAL** of the applicant's request.



## SPECIAL EVENTS PERMIT APPLICATION

Applicant: David Midgorden	Submittal Date: Feb 12, 2024
Organization: Rainbow Girls	Event Date(s)*: June 23-July 4, 2024
Type of Event: Fundraiser	Event Time(s): 10am -10pm

\*Please provide the following information a minimum of thirty (30) days prior to the event date.

This request will be placed on the next available City Council agenda for a hearing.

**The applicant (or designated representative) must attend this hearing.**

Applicant's local address:	136 Glenn Groover Rd. Hinesville ga 31313
Applicant's e-mail address:	midgordend@tntfireworks.com
Location of the Event:	4949 BILL GARDNER PKWY      LOCUST GROVE GA      30248
Name and telephone number of onsite contact who will be onsite for the duration of the event.	Ann Thompson 4044447622
Description of the nature of the special event:	Sale of GA legal fireworks
Identify sponsors and/or merchants participating in the event.	TNT Fireworks
Identify types of goods to be sold*, if any <i>*Additional permits may be required</i>	See attachment
Duration of the event (including setup and take down)	6/22-7/10, 12/25-12/31
Description of music/entertainment*: <i>*City's Noise Ordinance prohibits loud music/voices after midnight.</i>	n/a

### Additional required information:

- Written permission from the property owner
- Legible copy of the applicant's driver's license (or other State issued ID)
- If the event is a road race, parade, march, running or cycling along public streets, attach a proposed route for review and approval.
  - List number of police officers/public works staff requested – additional fees may apply
- All fees\* are payable to the City of Locust Grove in the amount of \$150
  - \*If the event is for a non-profit organization wishing to waive the fees, proof of the organization's non-profit status must be submitted.*
- **FOR PROFIT EVENTS ONLY:** Complete the "Georgia Bureau of Investigation – Georgia Crime Information Center Consent Form" for a background check.
- **FOR PROFIT EVENTS ONLY:** Complete the attached "E-Verify Affidavit"
- **FOR PROFIT EVENTS ONLY:** Complete the attached "Affidavit Verifying Status for Receipt of Public Benefits" \_\_\_\_\_



E-VERIFY AFFIDAVIT

Locust Grove, GA

E-verify Private Employer Affidavit Pursuant to O.C.G.A. § 36-60-6(d)

By executing this affidavit, the undersigned private employer verifies its compliance with O.C.G.A. § 36-60-6(d), stating affirmatively that the individual, firm or corporation has registered with and utilizes the federal work authorization program commonly know as E-Verify, or any subsequent replacement in O.C.G.A. § 36-60-6(d). Furthermore, the undersigned applicant verifies one of the following with respect to my application for the above mentioned document:

- 1. (a) \_\_\_\_\_ The individual, firm or corporation employed more than ten (10) employees.
- (b)  x \_\_\_\_\_ The individual, firm or corporation employed ten (10) or fewer employees.

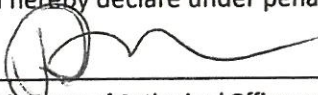
*If the employer selected 1(a) please fill out Section 2 below.*

- 2. The undersigned private employer attests that its federal work authorization user identification number and date of authorization are listed below:

\_\_\_\_\_ Federal Work Authorization User Identification Number

\_\_\_\_\_ Date of Authorization

I hereby declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Signature of Authorized Officer or Agent

David Midgarden  
\_\_\_\_\_  
Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE

12 DAY OF February, 2024

Alexandra R. Kristofek  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: 9.22.26







AFFIDAVIT VERIFYING STATUS for RECEIPT OF PUBLIC BENEFITS
O.C.G.A. § 50-36-1(e)(2) AFFIDAVIT

By executing this affidavit under oath, as an applicant for the City of Locust Grove, Georgia public benefit (defined below), as supplemented by resolution of the City Council, and as referenced in O.C.G.A. § 50-36-1, I am stating the following with respect to my application to the City of Locust Grove:

[X] I am a United States citizen.

OR

I am a legal permanent resident 18 years of age or older, or I am an otherwise qualified alien or non-immigrant under the Federal Immigration and Nationality Act 18 years of age or older and lawfully present in the United States.\*

I understand that "public benefit" includes but is not limited to: Adult education; Authorization to conduct a commercial enterprise or business; Authorization to conduct activities regulated by local government such as flea markets, peddlers, sidewalk vendors, massage therapy, bingo games, adult entertainment, pawn shops, day cares, etc.; Business certificate, license, or registration; Business loan; Cash allowance; Contract for materials or services; Disability assistance or insurance; Down payment assistance; Energy assistance; Food stamps; Gaming license; Health benefits; Housing allowance, grant, guarantee, or loan; Home occupation certificate, license, license and registration; Loan guarantee; Medicaid; Occupational license; Professional license; Registration of a regulated business; Rent assistance or subsidy; Retirement benefits; State grant or loan; State identification card; Tax certificate required to conduct a commercial business; Temporary assistance for needy families (TANF); Unemployment insurance; Vehicles for Hire certificate or license; and Welfare to work.

David Midgorden

Name of natural person applying on behalf of individual, business, corporation, partnership or other private entity

136 Glenn Groover rd. Hinesville Ga. 31313

Address of applicant named above

912-271-9772

Telephone Number

TNT Fireworks

Name of individual, business, corporation, partnership or other private entity for whom application is being made

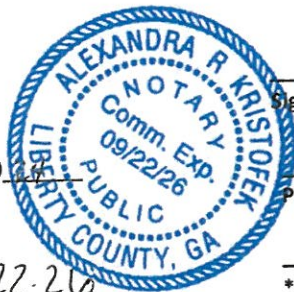
Category of Public Benefit

In making the above representations under oath, I understand that any person who knowing and willfully makes a false, fictitious or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20.

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE

12 DAY OF Feb 2023

NOTARY PUBLIC MY COMMISSION EXPIRES: 9-22-26



[Handwritten Signature]

Signature of Applicant

23 June 2023

Date

David Midgorden

Printed Name

\*Alien Registration Number for Non-citizens





AFFIDAVIT VERIFYING STATUS for RECEIPT OF PUBLIC BENEFITS  
O.C.G.A. § 50-36-1(e)(2) AFFIDAVIT

By executing this affidavit under oath, as an applicant for the City of Locust Grove, Georgia public benefit (defined below), as supplemented by resolution of the City Council, and as referenced in O.C.G.A. § 50-36-1, I am stating the following with respect to my application to the City of Locust Grove:

  x   I am a United States citizen.

OR

           I am a legal permanent resident 18 years of age or older, or I am an otherwise qualified alien or non-immigrant under the Federal Immigration and Nationality Act 18 years of age or older and lawfully present in the United States.\*

I understand that "public benefit" includes but is not limited to: Adult education; Authorization to conduct a commercial enterprise or business; Authorization to conduct activities regulated by local government such as flea markets, peddlers, sidewalk vendors, massage therapy, bingo games, adult entertainment, pawn shops, day cares, etc.; Business certificate, license, or registration; Business loan; Cash allowance; Contract for materials or services; Disability assistance or insurance; Down payment assistance; Energy assistance; Food stamps; Gaming license; Health benefits; Housing allowance, grant, guarantee, or loan; Home occupation certificate, license, license and registration; Loan guarantee; Medicaid; Occupational license; Professional license; Registration of a regulated business; Rent assistance or subsidy; Retirement benefits; State grant or loan; State identification card; Tax certificate required to conduct a commercial business; Temporary assistance for needy families (TANF); Unemployment insurance; Vehicles for Hire certificate or license; and Welfare to work.

David Midgorden

Name of natural person applying on behalf of individual, business, corporation, partnership or other private entity

136 Glenn Groover rd. Hinesville Ga. 31313

Address of applicant named above

912-271-9772

Telephone Number

TNT Fireworks

Name of individual, business, corporation, partnership or other private entity for whom application is being made

Category of Public Benefit

In making the above representations under oath, I understand that any person who knowing and willfully makes a false, fictitious or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20.

SUBSCRIBED AND SWORN  
BEFORE ME ON THIS THE

12 DAY OF Feb 2024

NOTARY PUBLIC  
MY COMMISSION EXPIRES: 9.22.26



[Signature]  
Signature of Applicant

23 June 2023

Date

David Midgorden

Printed Name

\*Alien Registration Number for Non-citizens



# CITY OF LOCUST GROVE SPECIAL EVENT PERMIT

APPLICANT:

David Midgorden

EVENT LOCATION:

4949 Bill Gardner Pkwy  
Locust Grove, GA 30248

EVENT DESCRIPTION:

TNT Fireworks

DATE AND TIME:

June 23, 2024 - July 04, 2024 (10:00 a.m. – 10:00 p.m.)

COUNCIL APPROVAL DATE:

May 06, 2024

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Issued by the Community Development Director

Date Issued

---

Applicant's Signature

Date



## Community Development Department

P. O. Box 900  
Locust Grove, Georgia 30248  
Phone: (770) 957-5043  
Facsimile (770) 954-1223

# Item Coversheet

**Item:** A Resolution to create a streetlight district in the Bridle Creek, Phase 2-B, residential subdivision

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** NA

**Budget Item:** NA

**Date Received:** March 7, 2023

**Workshop Date:** February 19, 2024

**Regular Meeting Date:** May 6, 2024

## Discussion:

Staff received an application to create a streetlight district in Bridle Creek Phase 2-B, a residential subdivision.

- Number of Lots: 61
- Number of Lights: 13
- Type of Lights: Colonial LED Disc
- Cost per Light: \$9.75
- Cost per Month: \$126.75
- Cost per Year: \$1,521
- Administrative Cost: 15% of annual cost = \$228.15
- Pro Rata Cost per Lot:  $\$1,521 + \$228.15 / 61 = \underline{\$28.67 \text{ per year}}$

## Comments:

I | *... in The Grove*

The City's Street Light Tax District Ordinance permits the Council to create streetlight districts by resolution. The City will pay the electricity usage fees on the lights each month then be reimbursed annually for these fees by way of an annual fees that is added to each property tax statement of the lots located within the streetlight district plus reimbursement for administrative costs.

Staff recommends approval of the Resolution to create a new streetlight district in Bridle Creek, Phase 2-B.

**Recommendation:**

---

**I MOVE TO (approve/deny/table) THE RESOLUTION TO  
CREATE A STREETLIGHT DISTRICT IN BRIDLE CREEK,  
PHASE 2-B SUBDIVISION AND TO AUTHORIZE THE  
MAYOR AND CITY CLERK TO EXECUTE THE NECESSARY  
DOCUMENTS TO APPROVE THE REQUEST**

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION TO APPROVE A REQUEST TO CREATE A STREET LIGHT TAX DISTRICT IN BRIDLE CREEK, PHASE 2-B, IN ACCORDANCE WITH CHAPTER 3.10 OF THE CITY OF LOCUST GROVE CODE OF ORDINANCES; TO PROVIDE CONDITIONS FOR APPROVAL; TO IDENTIFY A PUBLIC PURPOSE; TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE ANY DOCUMENTS NECESSARY TO CARRY OUT THIS RESOLUTION; TO PROVIDE FOR SEVERABILITY; TO REPEAL INCONSISTENT PROVISIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**W I T N E S S E T H :**

**WHEREAS**, the City of Locust Grove, Georgia (“City”) adopted Article II, Chapter 3.10 (“Chapter”) entitled “Street Light Tax Districts”; and,

**WHEREAS**, the purpose of the Chapter is to provide the City with a procedure for the installation, maintenance and operation of street lights in certain public rights-of-way in the City of Locust Grove and for the promotion of health, safety, prosperity and general welfare of the citizens of Locust Grove; and,

**WHEREAS**, Chris Wilson of Forestar (USA) Real Estate Group (“Owner”) submitted an *Application for Special Tax District – Street Lighting* and a *Petition for Special Tax District – Street Lighting* (“Application”) on March 7, 2023 attached as **Exhibit “A”**; and,

**WHEREAS**, the Application indicates support from one-hundred percent (100%) of the property owners in Bridle Creek, Phase 2-B, subdivision in accordance with the Chapter; and,

**WHEREAS**, the Owner submitted a copy of the Central Georgia Electric Membership Corporation Underground Wiring / Outdoor Lighting Agreement for Bridle Creek, Phase 2-B subdivision (“Request”) outlining the costs, quantities, locations, terms and conditions associated with the Request attached as **Exhibit “B”**; and,

**WHEREAS**, the City agrees to pay the monthly streetlight fee of \$126.75 (\$1,521 annually) to Central Georgia EMC and to be reimbursed for such payments by way of assessments imposed upon all property owners within this subdivision in the amount of \$28.67 (includes a 15% administrative fee) per lot annually; and,

**WHEREAS**, the Mayor and City Council (“Council”) reviewed the Application and Request during a workshop meeting held on February 19, 2024; and,

**WHEREAS**, the Request was found to be generally consistent with the purpose and intent of the Chapter; and,

**WHEREAS**, the Council, in the exercise of their sound judgment and discretion, after giving thorough thought to all implications involved, and keeping in mind the public interest and welfare to the citizens of the City, have determined this request for the creation of a street light tax district to be in the best interests of the citizens of the City, that this Resolution be adopted.

**THEREFORE, IT IS NOW RESOLVED BY THE CITY OF LOCUST GROVE,  
GEORGIA, AS FOLLOWS:**

1. **Finding.** That the Council hereby finds that the Application submitted by the Owner generally conforms to the requirements of Chapter 3.10 of the City of Locust Grove Code.
2. **Public Purpose.** The Council finds that the foregoing actions constitute a major stem in preserving the health, safety, well-being and economic vitality of the community and are, therefore, consistent with its public purposes and powers.
3. **Authority.** That the Council hereby authorizes the Mayor to execute the *Underground Wiring / Outdoor Lighting Agreement* for Bridle Creek, Phase 2-B and any other documents necessary to carry out this Resolution, and to place this Resolution and any related documents among the official records of the City for future reference.
4. **Severability.** To extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.
5. **Repeal of Conflicting Provisions.** All Council resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
6. **Effective Date.** This Resolution shall take effect immediately.

THIS RESOLUTION adopted this 6<sup>th</sup> day of May 2024.

\_\_\_\_\_  
VINCENT WILLIAMS, MAYOR PRO TEM

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
MISTY SPURLING, CITY CLERK

\_\_\_\_\_  
CITY ATTORNEY

(seal)

**EXHIBIT "A"**

*Application for Special Tax District – Street Lighting and  
Petition for Special Tax District – Street Lighting*



## Application For Special Tax District - Street Lighting

We, the undersigned, all being property owners of the City of Locust Grove Special Tax District for Street Lighting, being the Bridle Creek ph. 2B (Subdivision) in Land Lot(s) 157, \_\_\_\_\_, and \_\_\_\_\_ of the 2nd Land District at Wey Mouth Drive (road), do hereby petition the Mayor and City Council of the City of Locust Grove "City" for the placement of streetlights through our subdivision or street(s).

Each of us do hereby pledge and consent to levying of a lien by the City against property we own for the purpose of payment for the cost of maintenance and operation of the streetlights. There are 61 (number) lots currently existing in the Special Tax District Bridle Creek ph. 2B (Subdivision), and each owner as shown on the tax records has affirmatively signed this petition or their indication for disapproval is noted herein. The petition represents (1) (number) affirmative votes, representing 100 % of this district to be affected in this request. Your signature on this petition indicates that you have read and fully understand all information contained with Chapter 3.10 of the Code of Ordinances of the City of Locust Grove.

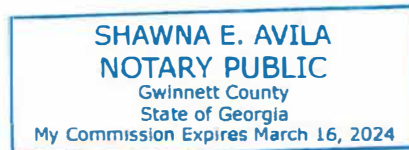
Personally appeared before me, a Notary Public, the undersigned affiance, who says on oath that Chris Wilson (name) is one of the subscribing witnesses to the within instrument; and, that each said witnesses saw the execution and delivery of the same by each grantor therein for the purpose set forth; and, that each of said witnesses signed the same as supported. Sworn to and subscribed to me, this 21<sup>st</sup> day of December, 2022.



SUBSCRIBING WITNESS



NOTARY PUBLIC



(SEAL)

PLEASE INDICATE WHICH UTILITY COMPANY SERVICES YOUR PROPOSED STREET LIGHT DISTRICT:

GEORGIA POWER     CENTRAL GEORGIA     OTHER \_\_\_\_\_

NEW STREETLIGHT DISTRICT     ADDING STREETLIGHTS TO EXISTING DISTRICT



# Petition For Special Tax District - Street Lighting

[Make additional copies, if necessary]

PROPERTY OWNERS	OWNERS' SIGNATURE	STREET ADDRESS	(Y)ES OR (N)O	WITNESS' SIGNATURE
Forestar (USA) Real Estate Group	Chris Willson	3330 Cumberland Blvd. Ste. 275 Atlanta, GA 30339	Y	

**EXHIBIT "B"**

*Central Georgia Electric Membership Corporation  
Underground Wiring / Outdoor Lighting Agreement*

CENTRAL GEORGIA ELECTRIC MEMBERSHIP CORPORATION  
923 SOUTH MULBERRY STREET  
JACKSON, GEORGIA 30233

**UNDERGROUND WIRING / OUTDOOR LIGHTING AGREEMENT**

Name: LOCUST GROVE CITY OF Acct. No.: 12223031 Loc. No.: 101225701  
(Print Name as Listed on Bill Card)

Address: Lights for BRIDLE CREEK Phase 2

I (we) hereby apply for a lease of outdoor lighting equipment to Central Georgia EMC under the terms and conditions set forth below:

**1. INFORMATION AND COST**

Lights, Fixtures, and Poles:

Quantity 13 Rate 13 Class 5 Cost Per Month \$ 9.75 each Total Cost \$ 126.75 per month Description: COLONIAL LED DISC  
Quantity     Rate     Class     Cost Per Month \$     each Total Cost \$     per month Description:      
Quantity     Rate     Class     Cost Per Month \$     each Total Cost \$     per month Description:      
Quantity     Rate     Class     Cost Per Month \$     each Total Cost \$     per month Description:    

**TOTAL COST PER MONTH \$ 126.75**

Total CIAC (Contribution in Aid of Construction) = \$ 0.00

3. The corporation reserves the right to increase or decrease rates of outdoor lighting without prior written notice to each individual lessee.
4. Fixtures served by underground wiring will be available at these rates when the underground cable is buried in the same trench with the underground distribution system and the excess trench required does not exceed thirty (30) feet per fixture for a small LED fixture or eighty (80) feet per fixture for a large LED fixture or post top LED fixture. A contribution in aid of construction shall be paid in advance for the footage in excess of the base allowance.
5. I (we) will perform all trenching, install duct furnished by the Corporation, backfill, and complete the paving to the mutual satisfaction of all parties concerned where underground wiring is desired and paving or other obstacles exist.
6. I (we) will pay in advance a contribution in aid of construction in the amount of the current installed cost of additional pole(s) if more than one pole must be installed. The additional pole(s) will remain the property of the Corporation.
7. All lighting equipment, wiring, etc. will be furnished by the Corporation.
8. The Corporation will perform ordinary maintenance of light and equipment which will be done during normally scheduled working hours. Current overtime fee per service call shall be paid to the serviceperson making the repairs when requested at any time other than the normal working hours.
9. I (we) will pay for replacement of any equipment damaged or destroyed by vehicle collision or vandalism.
10. I (we) will pay the lease for the light(s) at the rates above according to current billing procedures. The Corporation may discontinue service without further notice if the bill is not paid.
11. The corporation shall use reasonable care to maintain constant service but shall not be liable for interruption through acts of God, strikes, labor troubles, or any other causes beyond the control of the Corporation.
12. I (we) will pay a Membership or Additional Service fee and be bound by the provisions of the Articles of Incorporation, Bylaws, and rules of the Corporation that may be adopted from time to time.

13. This agreement shall become effective on the date of service is first delivered and shall remain in effect for 5 years and thereafter until terminated by either party's giving three month notice.

14. This agreement shall be binding upon the successors, legal representative, and assigns of the respective parties hereto.

15. The Corporation reserves the right to shield the light or relocate the pole and light if objected by the adjacent landowners.

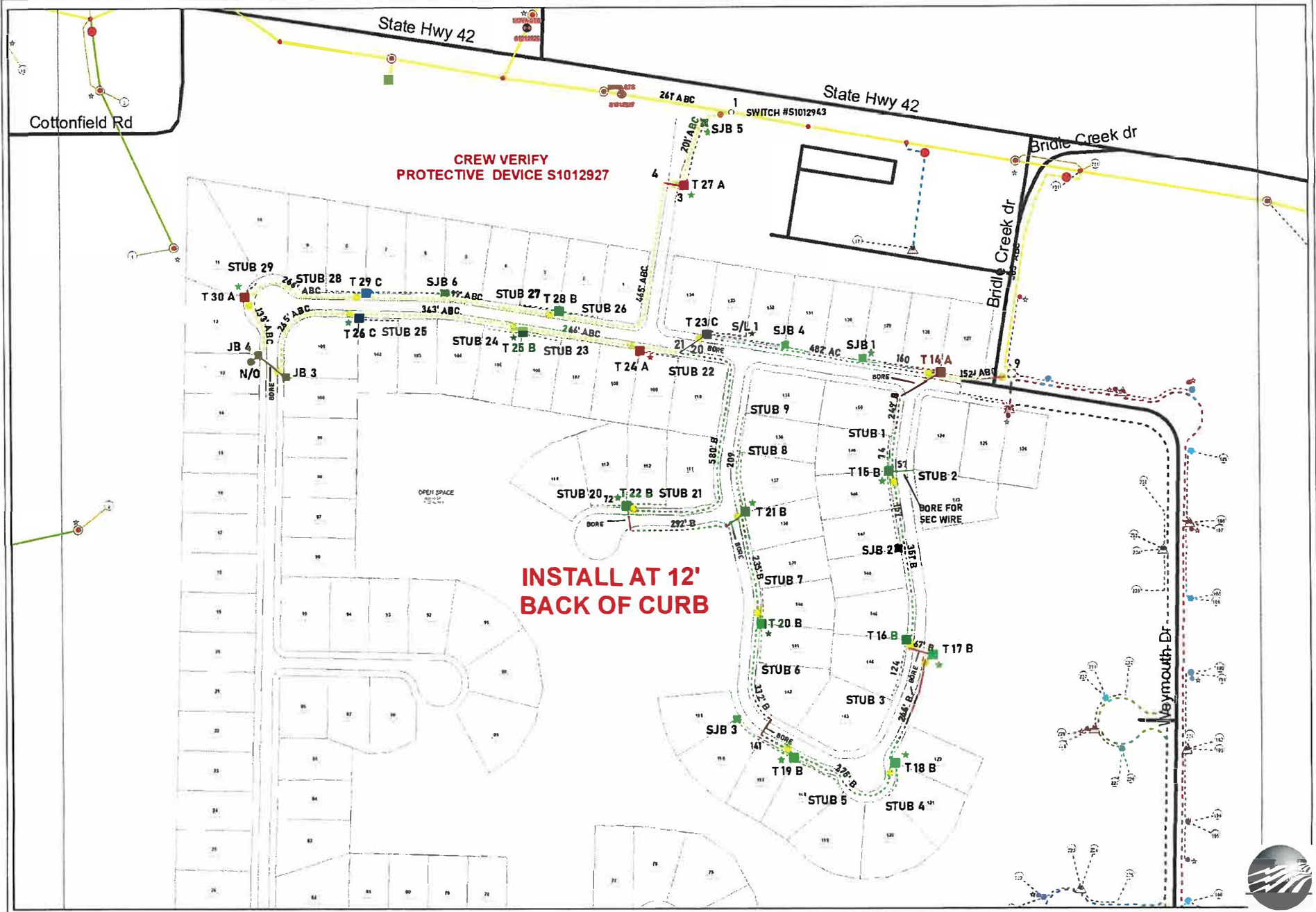
16. I (we) will grant, bargain, sell, and convey unto the Corporation, its successors, and assign an easement and right-of-way for the purpose of constructing, inspecting, maintaining, operating, repairing, or replacing its facilities. The Corporation shall have the right to egress to and egress from the easement over the lands of the lessee adjacent to the easement and lying between public and private roads and easements.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_





## Administration Department

P. O. Box 900

Locust Grove, Georgia 30248

Phone: (770) 957-5043

Facsimile (770) 954-1223

# Item Coversheet

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**Item:** A Resolution to approve the *Professional Service Proposal for Engineering Design and Permitting with WSP for the Wolf Creek Stream Restoration Project.*

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Budget Item:** Stormwater

**Date Received:** April 24, 2024

**Workshop Date:** N/A

**Regular Meeting Date:** May 6, 2024

### Discussion:

The City has identified approximately 350 linear feet of streambank along Wolf Creek at the Grove Road crossing that is in need of stabilization due to the cumulative effects of erosion caused by upstream developments. Portions of the unstable streambank lie in close proximity to single-family dwellings that may become compromised if steps are not taken to stabilize the banks.

In April 2024, the City accepted a written report by WSP, the City's on-call engineering firm, containing the following alternative recommendation for restoring the Wolf Creek stream bank where erosion has destabilized the embankment.

Targeted stabilization – a method to stabilize areas identified as being in need of support with riprap with minimal disturbance to healthy mature vegetation and areas already stabilized through natural processes.

With the acceptance of the recommendation by WSP, Staff then directed WSP to prepare a professional service proposal for engineering design and permitting based on the alternative recommendation chosen by the Council (“Proposal”). The Proposal includes the following services:

- Topographic survey of the project area
- Tree survey
- Complete design package for permitting and construction
  - 90% design drawings for City’s review and comment
  - Preparation of permitting packages
  - 100% design drawings for approval and permitting by regulating agencies
- Construction Estimate
- Planting plan
- Hydrology modeling and methodology to disperse erosive energy
- Erosion and Sedimentation Control Plan as required by GSWCC
- Preparation of a buffer variance application package for impacts to the 25-foot state waters buffer
- Natural Resources study as required by the US Army Corps of Engineers in conjunction with a Section 404 Nationwide Permit 13 for Bank Stabilization.

If the Council approves the Proposal and the City issues a Notice to Proceed (“NTP”), the following schedule will be in effect:

TASK		DURATION*
1	Wetland delineation and topographic survey	7 weeks after NTP
2	Preparation of 90% design drawings	8 weeks after end of Task 1
3	Preparation and submittal of permitting packages (LDP, Buffer Variance, 404 Permit)	3 weeks after end of Task 2
4	Preparation of 100% design drawings after receiving regulatory comments	3 weeks

\*Duration does NOT include review times by the City or regulators.

WSP proposes a cost for the services contained with the Proposal to be \$73,132.

### **Recommendation:**

**Staff recommends approval of the *Professional Service Proposal Engineering Design and Permitting for Wolf Creek Stream Restoration* from WSP for a total cost not to exceed \$73,132.**

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION TO APPROVE A PROPOSAL FROM WSP TO PROVIDE PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH THE ENGINEERING DESIGN AND PERMITTING FOR THE WOLF CREEK STREAM BANK RESTORATION; TO AUTHORIZE THE MAYOR PRO TEM, THE CITY MANAGER, AND THE ASSISTANT CITY MANAGER TO ENGAGE IN THE NECESSARY STEPS TO EFFECTUATE THIS RESOLUTION; TO AUTHORIZE THE CITY ATTORNEY TO REVIEW ANY AND ALL DOCUMENTS RELATED TO THIS IMPROVEMENT PROJECT; TO AUTHORIZE THE CITY CLERK TO ATTEST ANY AND ALL SIGNATURES RELATED TO SAID IMPROVEMENT PROJECT; TO REPEAL INCONSISTENT RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WITNESSETH:**

**WHEREAS**, the City of Locust Grove (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia; and,

**WHEREAS**, the City entered into a contract with WSP USA Environment & Infrastructure, Inc. (“WSP”) to provide on-call professional engineering services [Ord 23-08-094]; and,

**WHEREAS**, the City has identified a 350-linear-foot segment of Wolf Creek, located between 230 and 262 Grove Road, that is in need of stream bank stabilization (“Improvement Project”); and,

**WHEREAS**, WSP provided a Professional Services Proposal to perform a preliminary assessment and development of recommendations for restoration of the Improvement Project that was accepted by the City on April 1, 2024; and,

**WHEREAS**, to implement the recommendations contained in the preliminary assessment, WSP prepared a *Professional Service Proposal – Engineering Design and Permitting for Wolf Creek Stream Restoration* attached hereto as **Exhibit “A”**; and,

**WHEREAS**, the Mayor Pro Tem and Council have determined that the need for the Improvement Project continues to be in the best interests of the City for the public good and



general welfare, trade, commerce, industry and employment opportunities within the City and the state of Georgia,

**THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOCUST GROVE, GEORGIA, AS FOLLOWS:**

1. **Approval of Proposal.** The Mayor Pro Tem and the City Council, hereby approve the *Professional Service Proposal – Engineering Design and Permitting for Wolf Creek Stream Restoration*, as described in **Exhibit “A”**, for an amount not to exceed \$73,132.
2. **Approval of Execution.** The Mayor Pro Tem, City Manager and Assistant City Manager are hereby authorized to execute all necessary documentation to effectuate this Resolution.
3. **Documents.** The City Clerk is authorized to execute, attest to, and seal any document which may be necessary to effectuate this Resolution, subject to approval as to form by the City Attorney and approval of contract by the Mayor Pro Tem and City Council.
4. **Severability.** To the extent any portion of this Resolution is declared to be invalid, unenforceable or non-binding, that shall not affect the remaining portions of this Resolution.
5. **Repeal of Conflicting Provisions.** All City Resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
6. **Effective Date.** This Resolution shall take effect immediately.

THIS RESOLUTION adopted this   6th   day of   May  , 2024.

\_\_\_\_\_  
Vincent Williams, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Misty Spurling, City Clerk

\_\_\_\_\_  
City Attorney

(seal)

**EXHIBIT "A"**



April 24, 2024

Mr. Bert Foster, Assistant City Manager  
City of Locust Grove  
P.O. Box 900  
Locust Grove, Georgia 30248  
Phone: 770-692-2322  
E-mail: BFoster@locustgrove-ga.gov

1075 Big Shanty Road  
Suite 100  
Kennesaw, GA 30144  
+1 (770) 431-3400

[wsp.com](http://wsp.com)

**Subject: Professional Service Proposal -Engineering Design and Permitting for Wolf Creek Stream Restoration  
WSP Proposal No.24PROPGOVT.0000**

Dear Mr. Foster:

WSP USA Environment & Infrastructure Inc. (WSP) is pleased to provide this proposal for professional services to prepare design drawings and secure permits for stream restoration for one segment of Wolf Creek. The following sections outline our understanding of the project, proposed scope of services, anticipated schedule, fee estimate, and the terms and conditions for these services.

## 1.0 BACKGROUND

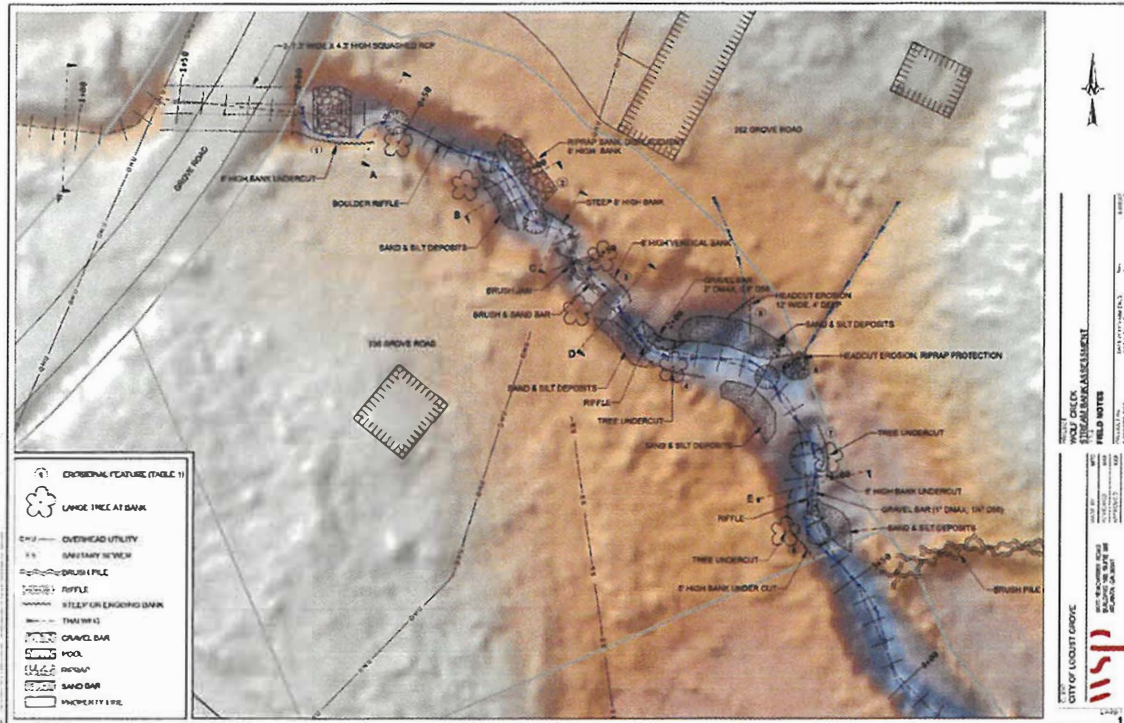
WSP prepared preliminary stream assessments for Wolf Creek located between the parcels at 230 and 262 Grove Road, upstream of Skyland Lake. The stream segment of interest extends approximately 350 linear feet downstream from Grove Road. The recommendation for this stream segment stabilization was provided in a report dated March 15, 2024. The city council voted and accepted the recommendation (Alternative 1) during their Regular Meeting on April 1, 2024.

## 2.0 SCOPE OF SERVICES

### Task 1: Topography Survey

Our subcontractor Patriot Surveying & Infrastructure will perform a topography survey for approximately 350 linear feet of Wolf Creek, located downstream from Grove Road, running towards Skyland Lake. Topography survey will include:

- Upstream and downstream inverts of the culverts under Grove Road, centerline, and edge of pavement of Grove Road at the culvert
- 1-foot topography through the project reach
- Elevations and locations for top of bank, bottom of bank, thalweg (low point), and any slope breaks in section
- Detail for each pool or point of slower, deeper water, capture water surface and pool center (or deepest point)



- Increased point density as needed to fully characterize features 2, 3, 5 and 6 and the channel in the immediate vicinity of these features as shown on the above figure
- Trees 4" diameter or larger at chest height and within 25 feet of the stream bank; trees species such as hardwood, pine, or softwood will be noted on the survey
- A cross-section roughly 150 feet upstream of Grove Road (Sta -1+50), and downstream of the project reach (downstream of the brush pile identified on Exhibit 1, Sta 4+100) to include top of bank, bottom of bank and thalweg
- Environmental flagging found within the survey limits.

WSP assumes that the City will assist with property owners' notification to acquire permission for site access along both the project area and referenced reach as needed. WSP also assumes that all field work will be collected by a team of two within one day.

### Task 2: Preparation of Streambank Restoration Design and Drawings

WSP will prepare a design package including a plan set for permitting with required construction, specifications listed on the drawings., An engineer's opinion of probable construction costs for stream stabilization will be provided. The plan set will include a planting plan for the stabilized stream banks and for reestablishing the riparian vegetation where needed with a focus on using native species.

The design process will include an evaluation and modelling of the watershed hydrology, channel hydraulics, stream bank shear stress and riprap stability for energy dissipation. Methods and results from the evaluation of will be summarized in a brief design report.

As part of the design plan set, a Georgia Soil and Water Conservation Commission (GSWCC) Certified Level II Design Engineer will prepare and sign a phased erosion and sedimentation control

plan as required by the Georgia Erosion and Sedimentation Control Act and the National Pollutant Discharge Elimination System (NPDES).

We will prepare and submit a 90% design package for the City review and initiate the Section 404 and Stream Buffer Variance discussions. The design package will include general notes, proposed grading plan, erosion and sedimentation control plans, streambank details and sections needed to communicate the scope of the project to the City and permitting agencies, and to quantify the impacts to jurisdictional waters. The 90% plan will be sufficient for contractor bidding, and submission of environmental permits.

A 100% Issued for Construction (IFC) set will be prepared and will incorporate additional edits requested by the City and permitting agencies, if any. It is assumed that the City will work with the land owner(s) to obtain construction easements and all necessary agreements for the work shown on the final design plans.

### Task 3 Environmental Permitting

#### Task 3.1 Stream Buffer Variance

WSP team will prepare the 25-foot buffer application package for signature by the City representative, based on the Erosion, Sedimentation and Pollution Control Plan, prepared in Task 2. Buffer variance package will include complete application form and required impact checklist items in accordance with the Georgia Department of Natural Resources Environmental Protection Division (EPD) current requirements. WSP will submit the buffer encroachment application package to EPD for review. When EPD publishes the Public Notice, our team will assist the City to respond to public comments in order to obtain EPD approval for the buffer encroachment.

#### Task 3.2 Land Development Clearing and Grading Permit

The total disturbed area will be less than 1 acre such that an NPDES permit will not be required. However, the project is within 200 feet of a Water of the State and subject to the Georgia Erosion and Sedimentation Control Act requiring a land disturbance permit from Locust Grove as the Local Issuing Authority and a phased erosion and sedimentation control plan as specified by the NPDES checklist.

We will complete land disturbance permit documents and submit to the City for review and approval.

#### Task 3.3 Section 404 Nationwide Permit 13 for Bank Stabilization

In support for permitting under Section 404 of the Clean Water Act Section 404, a WSPs field scientist will conduct a natural resource survey to identify wetlands and jurisdictional waters, a survey for threatened and endangered species, and survey for cultural resources within the project reach.

WSP will communicate with the USACE district engineer regarding the most appropriate method for obtaining a Section 404 permit. At this time, we anticipate coverage under Nationwide Permit 13 for Bank Stabilization. A pre-construction notice (PCN) for coverage may



not be necessary depending on the final scope of the project; however, for cost and schedule purposes we have assumed that a PCN will be prepared and submitted.

Provided impacts to jurisdictional waters of the US are below the threshold values of 1/10 acres of wetlands and 3/100 acres of stream bed, compensatory mitigation will not be required. The restoration of the riparian areas may be sufficient for mitigation if it is found to be needed.

**Task 4 Project Management and Administration**

Time has been included for project set-up and kick-off, one coordination meeting to discuss the project and present final deliverables.

Time for project management, internal and external coordination, and communications is included in this task. A preliminary schedule is included with this proposal and as needed, will be revised after receipt of NTP.

**3.0 EXCEPTIONS**

In addition to the foregoing services being performed, the following items are excluded from the described scope but can be provided upon request:

- Property owner notification, communication, or coordination
- Boundary survey and SUE investigation work
- Easement acquisitions (construction or permanent)
- In-person meeting(s)
- Other service that are not included in the described tasks
- At this time, we assume the cultural heritage survey and threatened and endangered species survey will be performed by a desktop search only. If our archeologist or scientist identifies a potential for historic artifacts or endangered species on site, a field investigation will be necessary at an additional cost.
- We assume that Locust Grove will be the named permittee for all permits obtained and will pay all permit application and plan review fees, tree recompense, bonds, and mitigation costs. We do not anticipate a need for either bonding or mitigation currently for this project.
- Bid support and construction administration services are excluded.

**4.0 SCHEDULE**

The following is a preliminary schedule for major milestones of the project. This schedule is dependent upon timing of notice to proceed (NTP),

Tasks	Duration (Weeks)*
Wetland delineations and topography survey	7 after NTP
Preparation of 90% Design Drawings	8 after completion of topography survey
Preparation and Submittal of Permitting Packages (Land Disturbance, Buffer variance and 404 Permit)	3 week after design completion

Preparation of 100% Design Drawings (after receipt of regulatory comments)	3 weeks
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\*Notes: Duration does not include review time by client / regulators and permit approval.

## 5.0 BUDGET

Based on our understanding of the project, WSP is proposing a Time and Materials not-to exceed fee of \$73,132 for the scope of services summarized herein, and as clarified by our assumptions and exclusions.

WSP will perform our services per the labor and expense reimbursement rates provided in the attached 2024 Engineering and Design Rate Schedule. The budget presented is valid for 60 days from the date of submittal of this proposal.

## 6.0 AUTHORIZATION

WSP proposes to perform the scope of services described herein in accordance with the Terms and Conditions of the executed Master Services Agreement between City of Locust Grove and WSP USA Environment & Infrastructure, Inc., dated August 7, 2023. This proposal will be an addition of WSP's existing project (Project No. US-EI-6150232695) Please authorize WSP to proceed with this scope of services by executing the Work Order attached to this proposal.

## 7.0 CLOSING

WSP appreciates the opportunity to submit this proposal, and we would be happy to provide any additional information or clarifications, as needed. If you have any questions, please feel free to contact Soraya Agudelo (770-308-2931). WSP looks forward for the opportunity to continue assisting you with this contract.

Sincerely,

**WSP USA Environment and Infrastructure Inc.**

**Scott Kurz**  
Digitally signed by Scott Kurz  
 DN: C=US,  
 E=scott.kurz@wsp.com, O=WSP,  
 CN=Scott Kurz  
 Date: 2024.04.24 10:03:51-04'00'

Scott Kurz, P.E.  
 Assistant Vice President, Civil Engineer

**Agudelo, Soraya (USCA713641)**  
Digitally signed by Agudelo, Soraya (USCA713641)  
 DN: E=soraya.agudelo@wsp.com, CN=Agudelo, Soraya  
 USCA713641, O=Infrastructure, OU=Users, OU=US, OU=DvSinc,  
 OU=WDS, C=United States, DC=corp, DC=us, DC=corp, DC=us,  
 Date: 2024.04.24 09:23:09-04'00'

Soraya Agudelo, PMP, LEED AP BD +C  
 Assistant Vice President, Project Manager

### Attachments:

2024 Engineering and Design Rate Schedule  
 WSP Work Order



## WSP USA Environment & Infrastructure, Inc.

### 2024 Rate Schedule

#### PROFESSIONAL SERVICES

Charges will be made at the following rates (USD) for time spent in project management, consultation or meetings related to the project, conducting field inspections, report preparation and review, design, travel time, etc.

CLASSIFICATION	RATE/HOUR
SENIOR ASSOCIATE PROFESSIONAL/ SENIOR PROJCT MANAGER	\$249
ASSOCIATE PROFESSIONAL / PROJECT MANAGER	\$211
SENIOR 2 PROFESSIONAL	\$174
SENIOR 1 PROFESSIONAL	\$154
JUNIOR 2 PROFESSIONAL	\$132
JUNIOR 1 PROFESSIONAL	\$112
TECHNICAL PROFESSIONAL 3	\$150
TECHNICAL PROFESSIONAL 2	\$136
TECHNICAL PROFESSIONAL 1	\$118

#### TECHNICIAN SERVICES

CLASSIFICATION	RATE/HOUR
TECHNICIAN 6	\$99
TECHNICIAN 5	\$83
TECHNICIAN 4	\$71

#### ADMINISTRATIVE SERVICES

CLASSIFICATION	RATE/HOUR
ADMINISTRATIVE LEVEL 6	\$140
ADMINISTRATIVE LEVEL 5	\$113
ADMINISTRATIVE LEVEL 4	\$98
ADMINISTRATIVE LEVEL 3	\$79
ADMINISTRATIVE LEVEL 2	\$61





**ESCALATION:** CLIENT agrees that hourly rates will be escalated 4% annually beginning January 1, 2025.

**Subcontract Expenses:** Supplies or services furnished to WSP in support of project activities by any supplier or firm, except temporary agency or consultant staff charged at above hourly rates cost plus 10%

#### **OTHER DIRECT EXPENSES**

CLIENT agrees to reimburse WSP for all other direct expenses incurred at the following rates, except as otherwise specified by WSP in its proposal:

**Travel Expenses:** Transportation (mileage, air travel, car rental, etc.), lodging, meals, & incidental expenses Cost plus 15%

**Direct Expenses:** Other expenses in support of project activities Cost plus 15%

**Unit Pricing:** Any unit pricing work, such as in-house laboratory analysis, in-house equipment rental, etc. will be quoted separately.



## Administration Department

P. O. Box 900  
Locust Grove, Georgia 30248

Phone: (770) 957-5043  
Facsimile: (866) 364-0996

## Item Coversheet

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**Item:** SPLOST VI Update (Discussion)

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** N/A

**Budget Item:** New Fund SPLOST VI (if approved)

**Date Received:** May 2, 2024

**Workshop Date:** May 20, 2024 (Public Hearing)

**Regular Meeting Date:** June 3, 2024 (or as designated for formal adoption)

### Discussion:

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A revised and updated SPLOST VI project listing is attached and takes into account several rounds of discussion with GADOT, Henry County SPLOST, the Council, and internally as a staff in terms of needs and aspirations for a successful program.

One item was added to the program to incorporate Vehicle/Equipment purchases for the City in the amount of \$200,000 which would offset some of the M&O capital costs over a year or two of the SPLOST.

Other changes were some clarifications to the categories to be as broad as possible in the definitions and possible projects to allow or flexibility in the carrying out of necessary tasks due to possible changing priorities over the life of the program.

### Recommendation:

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**TBD –June finalized listing based on final agreement on distribution.**

# SPLOST VI - City of Locust Grove

## Project Group Listing: Maximum Collection Scenario

Project approval based on final Council Approval in June (May Update for Hearing)

Category	Tier	Total SPLOST
<b>CAPITAL ITEMS</b>		
<b>Construction and Renovation of Municipal Buildings</b>		\$ 900,000.00
<b>CITY Master Plan - Phase III</b>		
Phase III of Municipal Master Plan	1	\$ 900,000.00
<i>Installation of additional parking across from Public Safety and behind City Hall. Work on additions to Master Plan.</i>		
<b>Subtotal Municipal Buildings</b>		\$ 900,000.00
<b>Equipment and Vehicles</b>		\$ 200,000.00
<b>City Vehicle Fleet Replacement</b>		
Police, Public Works, Admin Vehicles as needed	2	\$ 200,000.00
<i>Installation of additional parking across from Public Safety and behind City Hall. Work on additions to Master Plan.</i>		
<b>Subtotal Vehicles/Equipment</b>		\$ 200,000.00
<b>Parks and Recreation Facilities</b>		\$ 1,140,000.00
<b>Greenway - On and Off Street</b>		
<b>Parks and Recreation Facilities</b>	1	\$ 500,000.00
<i>Potential for Jubilee Ph. III property, existing parks and properties Improvements and new/upgraded facilities</i>		
<b>Trail Master Plan</b>	2	\$ 640,000.00
<i>Look at areas where small connections can be made to existing trails into the overall HC/Cities Master Trail Plan</i>		
<b>Subtotal Parks and Recreation</b>		\$ 1,140,000.00
<b>BUILDING - VEHICLES/EQUIPMENT - PARK ITEMS - TOTAL</b>	<b>10.5%</b>	<b>\$ 2,240,000.00</b>
<b>Roads, Bridges, Sidewalks and Transportation Facilities</b>		\$ 17,100,000.00
<b>SR 42 Widening PE (Local Share - City)</b>	1	\$ 600,000.00
<i>ARC Project Match 80% with Local Match of 20%. Total Project Estimate of \$8.35 million. City is responsible for 39% of the local match (i.e. 39% of 20% required Match).</i>		
<b>Bill Gardner Phase II Upgrades: Intersections and Safety and widening WB from I-75 towards Lester Mill</b>	1	\$ 4,500,000.00
<i>Work on preliminary design and engineering along with next phase of R/W acquisition for additional turn lanes and reconfiguration of Tanger/Market Place and BGP. Also additional work along Bill Gardner between SR 42 and Lester Mill Road.</i>		

# SPLOST VI - City of Locust Grove

## Project Group Listing: Maximum Collection Scenario

Project approval based on final Council Approval in June (May Update for Hearing)

Category	Tier	Total SPLOST
<b>SR 42 Congestion Relief Projects (T-SPLOST)</b>	<b>1</b>	<b>\$ 7,000,000.00</b>
<i>Continue projects to provide congestion relief along SR 42 between Downtown (Grove Road area) to Colvin Drive and Market Place Boulevard. Additional Lanes, intersections, new roadway segments (Indian Creek - Palmetto) and additional lanes where feasible). Plus, construction of connecting roadway from Colvin Drive at Home Depot to "New Bethlehem Road" at new Interchange</i>		
<b>Misc. Road and/or Intersection Improvements - SR 42 and Davis Road (ICE/PE), Leguin Mill at Peeksville (work with county), Roundabout at Tanger and Indian Creek, or as needed on City Streets and intersections.</b>		
<i>Study and develop concept plans/plans for Signalized Intersection or alternate as warranted by study for the Highway 42 and Davis Road intersection. Work with Henry County on Leguin Mill Road at Peeksville and others as needed</i>	<b>1</b>	<b>\$ 3,000,000.00</b>
<b>Peeksville Road - Multiuse Ped/Bike facilities - Connector Road</b>		
<i>Completion of work on Peeksville to Frances Ward. Begin work on the installation of pedestrian linkages between Skyland and Downtown Locust Grove, including linkage to commercial, parks, institutional areas and residential development on Jackson Street and/or Peeksville Road.</i>	<b>2</b>	<b>\$ 2,000,000.00</b>
<b>Subtotal Roads and Bridges</b>	<b>80.1%</b>	<b>\$ 17,100,000.00</b>
<b>Public Utilities</b>		
<b>Utilities lump sum</b>	<b>2</b>	<b>\$ 2,000,000.00</b>
<i>Lump sum of work for water - sanitary sewer improvements and/or stormwater projects, including plans and match for any CDBG - developed project.</i>		
<b>Subtotal Utilities</b>	<b>9.4%</b>	<b>\$ 2,000,000.00</b>
<b>Grand Total</b>	<b>100.0%</b>	<b>\$ 21,340,000.00</b>